

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SVB FINANCIAL GROUP,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE  
CORPORATION, AS RECEIVER FOR  
SILICON VALLEY BANK, et al.,

Defendants.

Case No. [24-cv-01321-BLF](#) (VKD)

**ORDER RE PARTIES' NOVEMBER 13,  
2024 STATUS REPORT**

Re: Dkt. No. 105

Having reviewed the parties' November 13, 2024 status report, the Court orders as follows:

**1. Custodial Documents**

The parties report that since the Court's October 17, 2024 order (Dkt. No. 97), plaintiff SVB Financial Group's ("SVBFG") has reviewed 45,103 documents and has logged a total of 8,651 documents as subject to a claim of exclusive privilege. Dkt. No. 105 at 2-3. The parties report that of the category of documents described in the October 17, 2024 order as "Priority Documents," 13,847 documents<sup>1</sup> remain to be reviewed. *Id.* at 3. The parties agree that the privilege review should continue according to the schedule and procedures in the October 17, 2024 order, although they disagree regarding whether and how SVBFG should continue its review beyond the Priority Documents. *Id.* at 5, 7-8. The parties further disagree regarding how SVBFG's current claims of exclusive privilege should be resolved. *Id.* at 3-4, 5-7.

The Court has considered the parties' respective positions and orders as follows:

1. SVBFG shall continue to review, release, and log the Priority Documents as

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<sup>1</sup> The parties advise that if document "families" are included, the count is 33,847. Dkt. No. 105 at 3.

provided in the October 17, 2024 order, until the Priority Documents are exhausted.

2. If defendant FDIC-R believes documents beyond the Priority Documents should be reviewed for purposes of this litigation, the parties shall confer regarding whether and how this review should be conducted and shall endeavor to complete their discussions on this matter by **December 3, 2024**. The parties shall advise the Court of their agreed or respective proposals regarding this review in the **December 10, 2024** status report (see below).

3. The parties shall complete their discussions regarding the claims of exclusive privilege that FDIC-R wishes the Court to resolve by **November 22, 2024**.

4. If disputes about SVBFG's exclusive privilege claims remain, FDIC-R may file a motion challenging such claims (or a subset of them) as a regularly noticed motion pursuant to Civil Local Rule 7-2.

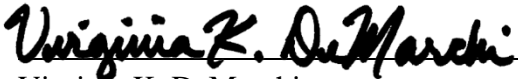
5. On **December 10, 2024 at 5:00 p.m. PST**, the parties shall file a joint status report regarding the progress of SVBFG's privilege review, including the number of documents as to which SVBFG continues to object to FDIC-R's access, the number of exclusive privilege documents logged by SVBFG, and the parties' agreed or respective proposals for further proceedings.

## **2. Non-Custodial Documents**

The parties advise that they have agreed to certain procedures for SVBFG's review of Microsoft Team chats and records in shared file locations. Dkt. No. 105 at 1-2. The parties continue to confer regarding the scope and timing of this review. *Id.* at 2. On **December 10, 2024 at 5:00 p.m. PST**, the parties shall file a joint status report advising on the status of review of these materials and their proposal(s) for completing this review.

**IT IS SO ORDERED.**

Dated: November 18, 2024

  
Virginia K. DeMarchi  
United States Magistrate Judge